

AMENDED IN ASSEMBLY MAY 15, 1996

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

ASSEMBLY BILL

No. 2953

Introduced by Assembly Member Villaraigosa

February 23, 1996

An act to amend Sections 26820.6 and 72055 of the Government Code, relating to dispute resolution.

LEGISLATIVE COUNSEL'S DIGEST

AB 2953, as amended, Villaraigosa. Dispute resolution: fees.

Existing law prescribes the amount of the total fee for filing the first paper in a civil action or proceeding in the municipal and superior courts. Existing law provides that the total fee includes, among other things, any dispute resolution fee imposed for the support of dispute resolution programs.

This bill would revise these provisions to provide that the board of supervisors of a county may exclude any portion of the fee imposed for the support of dispute resolution programs from the amount of the total fee for filing that first paper.

Existing law encourages the use of alternative dispute resolution.

This bill would state the intent of the Legislature to support alternative dispute resolution programs, as specified.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 26820.6 of the Government
2 Code is amended to read:

3 26820.6. The term “total fee” as used in Sections
4 26820.4, 26826, and 26827, includes the amount allocated
5 to the Judges’ Retirement Fund pursuant to Section
6 26822.3, the vital statistic fee imposed pursuant to Section
7 26859, the fee for the automation and conversion of court
8 records imposed pursuant to Section 26863 any
9 construction fee imposed pursuant to Section 76238, and
10 the law library fee established pursuant to Article 2
11 (commencing with Section 6320) of Chapter 5 of Division
12 3 of the Business and Professions Code. The term “total
13 fee” as used in Sections 26820.4, 26826, and 26827, also
14 includes any dispute resolution fee imposed pursuant to
15 Section 470.3 of the Business and Professions Code, but
16 the board of supervisors of each county may exclude any
17 portion of this dispute resolution fee from the term “total
18 fee.”

19 SEC. 2. Section 72055 of the Government Code is
20 amended to read:

21 72055. The total fee for filing of the first paper in a civil
22 action or proceeding in the municipal court, shall be
23 eighty dollars (\$80).

24 This section applies to the initial complaint, petition, or
25 application, and any papers transmitted from another
26 court on the transfer of a civil action or proceeding, but
27 does not include documents filed pursuant to Section
28 491.150, 704.750, or 708.160 of the Code of Civil Procedure.

29 The term “total fee” as used in this section and Section
30 72056 includes any amount allocated to the Judges’
31 Retirement Fund pursuant to Section 72056.1, any
32 automation fee imposed pursuant to Section 68090.7, any
33 construction fee imposed pursuant to Section 76238, and
34 the law library fee established pursuant to Article 2
35 (commencing with Section 6320) of Chapter 5 of Division
36 3 of the Business and Professions Code. The term “total
37 fee” as used in Section 72056 includes any dispute
38 resolution fee imposed pursuant to Section 470.3 of the

1 Business and Professions Code. The term “total fee” as
2 used in this section also includes any dispute resolution
3 fee imposed pursuant to Section 470.3 of the Business and
4 Professions Code, but the board of supervisors of each
5 county may exclude any portion of this dispute resolution
6 fee from the term “total fee.”

7 (c) The fee shall be waived in any action for damages
8 against a defendant, based upon the defendant’s
9 commission of a felony offense, upon presentation to the
10 clerk of the court of a certified copy of the abstract of
11 judgment of conviction of the defendant of the felony
12 giving rise to the claim for damages. If the plaintiff would
13 have been entitled to recover those fees from the
14 defendant had they been paid, the court may assess the
15 amount of the waived fees against the defendant and
16 order the defendant to pay that sum to the county.

17 *SEC. 3. It is the intent of the Legislature to support*
18 *alternative dispute resolution (ADR) programs which*
19 *enable individuals to resolve conflicts outside of the*
20 *courtroom and thereby alleviate court congestion. It is*
21 *further the intent of the Legislature that, in counties that*
22 *elect to be subject to the provisions of this act, the*
23 *following procedures shall be implemented:*

24 (1) *Parties shall be notified of the availability of the*
25 *programs funded pursuant to an ADR program in a*
26 *manner that is determined by the Judicial Council.*

27 (2) *Consideration of a waiver, if necessary, from*
28 *applicable provisions of the Trial Court Delay Reduction*
29 *Act for up to 90 days shall be available in cases where both*
30 *parties agree to participate in an ADR program to resolve*
31 *their conflict.*